

Taking Surveillance out of the ISSP

Tony Goodman hopes that the Brown administration will take a more welfare approach to working with young offenders.

This is an interesting time to be writing about youth justice, with a change in leadership possibly heralding a change in criminal justice policy away from custody. It's thought that the Treasury was never convinced by a 'prison works' policy so now that Gordon Brown has moved next door might he consider a more imaginative way of dealing with young offenders than stricter community sentencing? When New Labour was first elected, Jack Straw, the then Home Secretary, set out his strong opinions on young offenders in a White Paper *No more excuses* (1997). It is worth recalling his words from the foreword:

'An excuse culture has developed within the youth justice system. It excuses itself for its inefficiency, and too often excuses the young offenders before it, implying that they cannot help their behaviour because of their social circumstances. Rarely are they confronted with their behaviour and helped to take more personal responsibility for their actions. The system allows them to go on wrecking their own lives as well as disrupting their families and communities.'

Intervene hard and enter Big Brother

The ethos of the youth justice system was to become one of early intervention, with young offenders being given a reprimand and/or final warning before they would enter the criminal justice system. No more cautions. It is interesting to note that the word *surveillance* does not appear in this formative White Paper. However the characteristics for offending were spelt out in frightening simplicity:

- being male;
- being brought up by a criminal parent or parents;
- living in a family with multiple problems;
- experiencing poor parenting and lack of supervision;
- poor discipline in the family and at school;
- playing truant or being excluded from school;
- associating with delinquent friends; and
- having siblings who offend. (Home Office, 1997, 9, 1.5).

The Intensive Supervision and Surveillance Programme or ISSP, which was launched in 2001, as its name suggests, attempts to give intensive support to offenders, but simultaneously is heavy on restricting liberty. It did not require a separate piece of legislation. Surveillance had entered the youth justice lexicon in the intervening four years

with a vengeance. The Youth Justice Board (YJB) describes ISSP as:

'the most rigorous non-custodial intervention available for young offenders. As its name suggests, it combines unprecedented levels of community-based surveillance and sustained focus on tackling the factors that contribute to the young person's offending behaviour.' (YJB, 2007)

An ISSP can be imposed as part of a bail condition, Supervision Order or on discharge from a Detention and Training Order (DTO). Clearly in terms of bail the young person is presumed innocent, but they can still be given this intensive order:

'Although the offending behaviour and restorative justice elements of ISSP are not appropriate before a guilty verdict has been established, the young person still receives a minimum of 25 hours supervision and additional surveillance. Schemes are also able to deploy electronic tagging on bail under Section 131 and 132 of the Criminal Justice and Police Act 2001.' (YJB, 2007)

So what does surveillance mean in terms of the ISSP? It can take the form of *at least* one of the following four activities: electronic tagging (to reinforce a curfew), voice verification (done over the telephone to check that the person is where they are supposed to be), tracking (taking the young person to appointments and following up non-attendances) and intelligence-led policing (the overt monitoring of movements and exchange of information with ISSP staff).

When ISSPs started, the offender could be given in a six month programme a minimum of 25 hours per week supervision, with further evening and weekend support in the first three months. For the subsequent three months there had to be provision for daily contact with access to support at evenings and weekends. However following the implementation of the Anti-social Behaviour Act 2003 the maximum number of specified activity days for Supervision Orders has been raised from 90 to 180 days. Increasing the length of time of the curfew from three to six months is being piloted for those under 16 on conviction; this is already the case for 16 and 17 year olds. Cynics might say that this gives plenty of time for the offender to breach the order!

Treatment has got to be good for you?

Back in 1979 Stanley Cohen wrote three articles in *New Society* and these are even more relevant today. In the first article he suggested that the 'back to justice movement' represented a liberal disenchantment with the treatment ideal, which led him to consider social

control alternatives. In the second, he produced a devastating critique of the problems of community control that some readers will be familiar with. He considered the notion of *blurring* the boundaries of social control. In the case of ISSP his words are frighteningly apposite when one considers bail ISSP for the unconvicted: 'The same treatment is used for those who have actually committed an offence and those thought 'at risk' of committing an offence.' He continued (with great resonance for DTO ISSP) that treatment could be used for those coming in and out of institutions with the latter getting a form of diversion as they were not yet 'ready' for the open community. Thus there was the halfway in and halfway out inmate. 'Widening' referred to the process whereby 'alternatives became not alternatives at all, but new programmes which supplement the existing system or else expand the system by attracting new populations ... diversion becomes not movement out of the system, but movement into a programme in another part of the system. The mesh of social control is thinned.' Finally, *masking* is the way that benevolent intentions 'disguise the intrusiveness of the new programmes.'

In the third article he made the point that 'Crime is rooted in the overall social system: political structure, economy and values. There is no evidence that the rate of crime rises or falls with such changes in policy as the intensity of punishment.' With this latter point in mind it is instructive to take into account the evaluation of ISSP by Gray et al. (2005). After all, if it was shown to be a success then Cohen, if not refuted, could be judged as dated.

ISSP on trial

This detailed analysis of ISSP showed some diversion from custodial disposals but 'that ISSP has also replaced some less intensive community disposals as well.' Thirty-one per cent of ISSP cases that breached the requirements of the ISSP were recalled or sentenced to custody: 'Strict enforcement of ISSP therefore did result in a number of young offenders eventually entering custody.' The drop in youth custody between April 2000 and December 2004 was a national trend in both ISSP pilot and non-ISSP areas and could not 'be attributed to the introduction of ISSP.'

From the qualitative data collected on the young ISSP clients they comprised a highly socially excluded group. Indeed comment was made that: 'In many instances, families had already asked for help but had been unable to get any assistance.' Whilst the staff that ran the ISSP programmes were highly committed to the youngsters, 'they lamented the poor statutory services in their area, and felt at times this undermined the ability of ISSP to meet the needs of young people with the most severe underlying problems.' Whilst the programmes met the target of reducing reoffending by 5% and worked best with those with fewest personal problems 'the comparison groups did equally as well in achieving this objective.' Those on DTO ISSP actually performed worse than those released from the DTO without an ISSP. One might ask whether the most successful youngsters needed this level of intrusion into their lives? Finally, research revealed similarities with adult treatment approaches (Merrington and Stanley, 2004), which indicated that the impact of ISSP lessened over time and had almost completely disappeared at 24 months (all citations from Gray et al., 2005, pp8-12).

Most recently the YJB has introduced some changes to mitigate the stringency of ISSP. Employed offenders will have

seven hours of contact per week (which can be at the weekend) and there will be a junior ISSP which will require 12 and-a-half hours per week rather than 25 hours. Whilst these changes are to be welcomed, they do not affect the surveillance component of ISSP.

So was Cohen right after all?

Writing back in 1979 Stanley Cohen could have had no inkling that the reliability of electronic tagging technology would improve so much. This improvement has given credence to the myth that surveillance techniques are more important than welfare considerations, which has a very seductive appeal to our policy makers. The Deputy Chief Constable of Hampshire perpetuated the feeling that Britain was turning into an Orwellian nightmare when he commented that the growth of CCTV could turn the country into 'a surveillance society with cameras on every street corner' (BBC News, 20 May 2007). His prophetic insights should be a warning to us to remember that young offenders are still children and should not be subjected to severe control mechanisms that set them up to fail. Young offenders need to be removed from the ambit of the new Ministry of Justice and placed with the Department for Education and Skills. They should be treated as excluded children first and offenders last. As 'Every Child Matters' states, it is important that: 'being healthy, staying safe, enjoying and achieving, making a contribution and achieving economic well-being should not be denied to the young offender population'. Will Prime Minister Brown be strong enough to question the current fascination with surveillance, rather than the welfare of young people?

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